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EXAMINER

ALLEN, WILLIAM J

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/676,187	Applicant(s) RACINE, SANDRA J.	
	Examiner William J. Allen	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/9/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History Summary

Claims 1-30 are pending.

Claims 23-26 have previously been withdrawn.

Claims 1-22 and 27-30 are rejected as set forth below.

Election/Restrictions

Applicant's election with traverse of group I, claims 1-22 and 27-30 in the reply filed on 8/9/2006 is acknowledged. The traversal is on the ground(s) that Applicant's amendment has sufficed to overcome the restriction requirement. This is not found persuasive because group I, claims 1-22 and 27-30 are drawn to a general electronic commerce system. Claim 23 recites executing software to transact reservations for airline flights, wherein the airline flights have a set of available options. The Examiner notes that subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. Claims 1-22 and 27-30 fail to overlap in scope with claims 23-26 as recited with claims 23-26 being usable separately from claims 1-22 and 27-30.

The requirement is still deemed proper and is therefore made FINAL.

Response to Arguments

Applicant's arguments filed 8/9/2006 have been fully considered but they are not persuasive.

Regarding claims 1, 14, and 27, Applicant contests that Maggioncalda fails to teach or suggest a user interface including a plurality of graphical indicators adjustable by a user, where in the graphical indicators represent ranges of options associated with a set of items available from an electronic commerce system. The Examiner disagrees for at least the following:

Maggioncalda teaches graphical input mechanisms such as slider bars for user input. Maggioncalda even goes so far as to say these are advantageous because the user will not confuse the things the user can control and change and those things the user cannot change (see at least: col. 8 lines 42-49). Furthermore, Maggioncalda teaches where the input values directly impact the output values. More particularly, area 430 graphically depicts the financial products/funds needed to the user. According to one embodiment, the user may modify risk, savings, and/or retirement age decision variables by adjusting the position of a corresponding slider. The simulation module determines the optimal allocation of wealth among the financial products available to the user based upon the current values for the decision variables. These results are presented to the user in a graphical form, which may even be presented to the user in real-time as the user manipulates a graphical input mechanism such as a slider bar (see at least: col. 16 lines 14-56, Fig. 11, 12A, 12B, 14A, and 14B).

Additionally, from the set of available financial products Maggioncalda selects the financial products that best suit the user. The graphical representation is automatically adjusted as the user changes the risk, savings, etc. on the slide bar. More appropriately, Maggioncalda teaches selecting an item (e.g. a financial product) based on the user input. When a user changes the input using the slider bar, based on the financial products, Maggioncalda adjusts at least one of the graphical indicators according to the new input (see at least: col. 16 lines 14-56, Fig. 11, 12A, 12B, 14A, and 14B). Thereby, Maggioncalda teaches all of the limitations of claims 1, 14, and 27.

Regarding claims 2 and 15, Maggioncalda teaches adjusting input and outputs in real time. The Examiner notes that in order to adjust the output according to a modified input, the system must recalculate or “recomputed” the new output as the input changes in real time (see at least: col. 16 lines 14-56, Fig. 11, 12A, 12B, 14A, and 14B). Furthermore, Maggioncalda teaches where the set points represent *current values or positions within the represented ranges* (see at least: Fig. 4-6, 9, 12A-14B). Note: each indicator has a numeric value indicating the position on the indicator (e.g. risk is medium-high at a position of 74, savings at 20%, generic fund 7%, etc.).

Regarding claims 6-8 and 19, Maggioncalda teaches prioritizing set points by the user indicating their preference (i.e. prioritizing) for risk, savings, or the like by placing the risk at a set level (i.e. set point). By indicating the preference, the user places priority on that point. Additionally, the volatility of the financial products selected by the optimization module is done so in a manner which those products correspond to the defined preferences of the user. In this respect, the optimization module minimizes

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the change to the defined preferences by selecting only financial products that fit the defined criteria (see at least: col. 3 lines 13-31, Fig. 6a-6c, col. 11 lines 40-63). With regard to claim 7 and 8 particularly, the user defines the preferences by inputting their preference, thereby inputting priority for a set point. By adjusting the preferred point, the user adjusts the priority which is subsequently set as the preference/priority (col. 3 lines 13-32, col. 10 line 49 to col. 11 line 26).

Applicant's remaining arguments on pages 12-13 rely on the rationale noted above in regards to claims 1, 2, 6-8, 14-15, 19, and 27. Those arguments are not persuasive for at least the reasons given above.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-3, 6-16, 19-22, and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Maggioncalda et al. (US 6,012,044, herein referred to as Magg).**

Regarding claim 1, Magg teaches:

presenting a user interface that includes a plurality of graphical indications adjustable by a user, wherein the graphical indicators represent ranges of options associated with a asset of items available from an electronic commerce system (see at least: abstract, Fig. 4-9, 12a-12b, 14a-14b);

receiving input from a user that adjusts one of the graphical indicators within the respective range (see at least: abstract, Fig. 4-9, 12a-12b, 14a-14b);

selecting one of the items from the set based on the graphical indicator adjusted by the user (see at least: abstract, Fig. 4-9, 12a-12b, 14a-14b); The Examiner notes that various financial products are selected from a set of available financial products as a single financial package;

automatically adjusting at least one of the graphical indicators not adjusted by the user based on the selected one of the items (see at least: abstract, Fig. 4-9, 12a-12b, 14a-14b).

Regarding claim 2, Magg teaches:

wherein presenting a user interface comprises presenting the graphical indicators to include set points having adjustable positions within the represented ranges, wherein the set points represent current values or positions within the represented ranges, and further wherein automatically adjusting at least one of the graphical indicators comprises re-computing the positions for the set points associated one or more graphical indicators (see at least: abstract, Fig. 4-9, 12a-12b, 14a-14b).

Regarding claim 3, Magg teaches:

wherein receiving a new position for a set point associated with the graphical indicator adjusted by the user, and selecting one of the items comprises determining which one of the items has an option that most closely matches the set point for the graphical indicator adjusted by the user (see at least: abstract, Fig. 4-9, 12a-12b, 14a-14b). The Examiner notes that the financial package is selected based on the attributes selected by the user.

Regarding claims 6-8, Magg teaches:

(6) *prioritizing the set points into higher priority set points and lower priority set points* (see at least: col. 3 lines 13-32); The Examiner notes that the user indicates their preference (i.e. prioritizing) for risk by placing the risk at a set level (i.e. set point). By indicating the preference, they have places priority on that point.

selecting the item from the set of items to minimize a change to the positions of the higher priority set points (see at least: Fig. 6a-6c, col. 11 lines 40-63). The Examiner notes that the volatility of the financial products selected by the optimization module is done so in a manner which those products correspond to the defined risk preferences of the user. In this respect, the optimization module minimizes the change to the defined risk preferences by selecting only financial products that fit the defined risk.

(7) *receiving input from the user that defines priorities for the set points* (see at least: col. 10 line 49 to col. 11 line 26).

(8) *prioritizing the set point that have been recently adjusted by the user* (see at least: col. 3 lines 13-32, col. 10 line 49 to col. 11 line 26). The Examiner notes that the user adjusts the risk, which is subsequently set as the risk preference (establishing priority to the recently adjusted point).

Regarding claim 9, Magg teaches

receiving input from the user from the user to limit the range associated with one of the options (see at least: col. 8 lines 57-65, col. 10 lines 49-63, col. 11 lines 23-35).

Configuring one of the graphical indicators to limit the adjustable positions of the corresponding set point in accordance with the defined range (see at least: col. 10 lines 49-63, col. 11 lines 23-35).

Regarding claim 10, Magg teaches:

receiving the search criteria from the user (see at least: abstract);
querying a database server to retrieve the set of items that match the search criteria (see at least: Fig. 1, 4);
determining the ranges of the available options based on the returned set of items (see at least: abstract, col. 2 lines 20-23).

Regarding claims 11 and 12, Magg teaches:

(11) initiating an e-commerce transaction for the selected item in response to receiving action input from the user (see at least: col. 1 lines 25-34);
(12) wherein initiating an e-commerce transaction comprises initiating purchase of the item (see at least: (see at least: col. 1 lines 25-34).

Regarding claim 13, Magg teaches:

wherein each of the items comprise one of a service and a product (see at least: abstract).

Regarding claim 21, Magg teaches:

wherein the user interface software module comprises a client-side user interface software module executing on client device, and the user interface software module automatically adjusts at least one of the graphical indicators without communicating with a web server (see at least: abstract, col. 7 lines 12-21, Fig. 4-9, 12a-12b, 14a-14b). The Examiner notes that in the case of a company Intranet, the system of Magg does not have to contact a web server.

Regarding claims 14-16, 19-20, and 22, the limitations set forth in claims 14-16, 19-20 and 22 closely parallel the limitations set forth in claims 1-3 and 6-13. Claims 14-16, 19-20, and 22 are thereby rejected under the same rationale.

Regarding claims 27-30, the limitations set forth in claims 27-30 closely parallel the limitations set forth in claims 1-3 and 6-13. Claims 27-30 are thereby rejected under the same rationale.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magg in view of Tsuda et al. (US 2002/0184107, herein referred to as Tsuda).**

Regarding claims 4 and 17, Magg teaches all of the above and further teaches matching item options with user criteria/set points (see at least: abstract, Fig. 4-9, 12a-12b, 14a-14b). Magg, however, does not expressly teach wherein matching items with the user criteria includes selecting one of the items *that has options most similar to the set points for a previously selected item*. Tsuda teaches a system that recommends merchandise based on the purchase history of a customer. The recommendations match the options (*set points*) of previously purchased products to suggest new products that have similar options (see at least: 0017, 0062, 0076). Thereby, Tsuda teaches includes items *that have options most similar to the set points for a previously selected item*. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Magg to have included includes selecting one of the items *that has options most similar to the set points for a previously selected item* as taught by Tsuda in order to provide merchandise recommendations more correctly by matching the taste and requests of a client (see at least: Tsuda, 0076).

5. **Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magg in view of Egashira et al (US 2002/0046134, herein referred to as Egashira).**

Regarding claims 5 and 18, Magg teaches all of the above and further teaches a pricing module for optimizing a portfolio (see at least: col. 7 line 24 to col. 8 line 19). Magg also teaches selecting items and resulting in minimum change for a risk set point (see at least: Fig. 6a-6c, col. 11 lines 40-63). Magg, however, does not expressly teach selecting one of the items to *minimize a change to a price set point for a previously selected item*. Egashira teaches an item selected by a user, and submitting the item selection, desired price (i.e. a set price point), and quantity to multiple suppliers. The system of Egashira optimally matches the individual buyers to suppliers by matching desired price and quantity (see at least: abstract, 0023, Fig. 1). The Examiner notes that in *optimally* matching the individual buyers with suppliers using a defined price point, Egashira *minimizes the change from a price set point for the previously selected item*. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Magg to have included *minimizes the change from a price set point for the previously selected item* as taught by Egashira in order to provide an effective means for combining the wishes of purchasers and suppliers/manufacturers of commodities so that a seller can make the maximum gross profit (see at least: Egashira, 0001).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

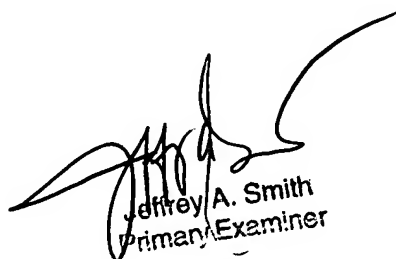
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen
Patent Examiner
September 8, 2006



Jeffrey A. Smith
Primary Examiner